

**REMARKS**

Claims 1-3 and 5-25 are pending. Claims 5-11 and 14-25 are withdrawn from consideration as drawn to non-elected species. Reconsideration of the application based on the following remarks is respectfully requested.

Applicants note with appreciation the identification of allowable subject matter in claims 2 and 3. Applicants respectfully submit that all pending claims are in condition for allowance as detailed below.

Claims 1 and 12-13 stand rejected under 35 U.S.C. §102(b) over Sato (U.S. Patent Application Publication No. 2003/0168836). The rejection is respectfully traversed.

An English-language translation of Applicants' priority documents, Japanese Application No. 2003-11489 filed January 20, 2003 and Japanese Application No. 2003-11514 also filed January 20, 2003, are attached. Applicants' priority documents support claims 1, 12 and 13. Thus, Applicants have perfected priority to, and are entitled to rely on, the January 20, 2003 filing date.

Because Sato was filed in the United States on March 7, 2003, which is after Applicants' January 20, 2003 effective U.S. filing date, Sato fails to qualify as a reference against this application rendering the rejection moot.

Withdrawn claims 5-11 and 14-25 also are in condition for allowance. The Office Action fails to address Applicants' arguments regarding use of Chapters 10.03, 10.07 and 10.08 of the ISPE with regards to the restriction made under PCT Rule 13.1 and 13.2, contained in the Amendment filed February 19, 2009. Applicants' respectfully submit that the restriction requirement should be withdrawn for at least the reasons explained in the Amendment filed February 19, 2009, and that claims 5-11 and 14-25 are in condition for allowance.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 and 5-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:RGB/jls

Attachments:

Petition for Extension of Time  
Verified Translation of Japanese Application No. 2003-11489  
Verified Translation of Japanese Application No. 2003-11514

Date: December 2, 2009

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